IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 8887 OF 2005 .

State Bank of India ... Petitioner.
V/s.
Abdul Quiyum Suleman
Soomer & ors. ... Respondents.

Shri P.N. Patwardhan i/b M/s Bhave & Co. for the petitioner.

Mrs.Ranjana Parikh for the respondents.

CORAM : V.C.DAGA, J.

DATED : 21.12.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. The view taken by both the Courts below is a reasonable and possible view. This Court not being a Court of appeal is not expected to reappreciate evidence once again so as to dislodge the findings recorded by the Courts below. In that view of the matter, petition is dismissed in limine with no order as to costs.

3. At this stage, learned Counsel appearing for the petitioner prays that the amount deposited in the Courts below should not be allowed to be withdrawn by the respondents. I see no reason to grant such order. Needless to mentiion that if at all petitioner succeeds in the higher forum,

petitioner shall be entitled to restoration of the amount with interest. He can be compensated in terms of money. Prayer for stay to withdraw amount is rejected.